

PATENT

REMARKS

The Office Action dated January 20, 2006 has been received and considered. In this response, claim 21 has been amended for clarification purposes. As discussed below, this amendment is consistent with the Office's stated interpretation of the subject matter of claim 21 and this amendment therefore does not require any additional search or consideration on the part of the Office. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

Allowability of Claims 18-20

The Applicants note with appreciation the indication at page 14 that claims 18-20 are allowed.

Anticipation Rejection of Claims 21-27

At page 4 of the Office Action, claims 21-27 are rejected under 35 U.S.C. Section 102(e) as being anticipated by Suzuki (U.S. Patent No. 6,148,135). This rejection is respectfully traversed.

Claim 21 recites the features of a storage device having a data port coupled to the output of the first transport stream demultiplexer to receive the select packets, wherein the storage device is to store the select packets. Claim 21 further recites the features of a first clock recovery module having an input coupled to the first input node, and an output, wherein the first clock recovery module is to generate a clock at the output based upon received timing information transmitted in packets of the multiplexed packetized data stream before the select packets are stored in the storage device.¹

The Office Action asserts that Suzuki discloses that the selector 110 selects the system clock reference (SCR) 3 and updates the system time counter 101 by the count of the SCR 3

¹ Claim 21 previously recited "before it is stored in the storage device." In this response, the term "it is" has been replaced with "the select packets are." As noted at page 3 of the Office Action, the Examiner has interpreted the term "it" of claim 21 as previously presented as "the select packets." Thus, the amendment to claim 21 is consistent with the Examiner's interpretation and this amendment therefore should require no additional search or consideration on the part of the Patent Office.

PATENT

immediately after the video and audio reproducing device is powered on. *See Office Action*, p. 2 (*citing Suzuki*, col. 10, lines 35 *et seq.*). The Office Action further asserts that “the received timing information transmitted in packets of the system clock reference 3 is transmitted along within the packets before the packetized data stream is stored in the storage device.” *Id.*, p. 3. Thus, from these statements it appears that the Office Action asserts that the claimed feature of the first clock recovery module to “generate a clock . . . before the select packets are stored in the storage device” is met by Suzuki as Suzuki teaches that the system time counter 101 is updated with the SCR 3 upon startup of the system of Suzuki. The Applicants respectfully disagree.

As taught by Suzuki, coded video and audio data 1 is received at a video and audio separator 2, which separates the coded video and audio data 1 into the system clock reference (SCR) 3, the video time stamp 42 and the coded video data 41. The SCR 3 is provided to the video and audio synchronization controller 4 and the coded video data 41 and the video time stamp 42 are stored in the video buffer memory 45. *See Suzuki*, col. 9, lines 33-39. As noted by the Office Action, Suzuki further teaches that the SCR 3 is used to update the system time counter 101 immediately after the video and audio reproducing device is powered on. However, Suzuki fails to disclose that the system time counter 101 generates a clock at its output based on the SCR 3 before the coded video data 41 or the video time stamp 42 are stored in the video buffer 45. Rather, Suzuki merely describes the path for the coded video data 41/video time stamp 42 from the separator 2 to the video buffer memory 45 and the path for the SCR 3 from the separator 2 to the output of the controller 4. However, Suzuki provides no description of the relative timing of events in this path.

Thus, even if it is assumed, *arguendo*, that the SCR 3 is equivalent to the claimed timing information, the controller 4 is equivalent to the claimed first clock recovery module, the coded video data 41 is equivalent to the claimed select packets and the video buffer memory 45 is equivalent to the claimed storage device, Suzuki fails to disclose the claimed feature of wherein the first clock recovery module is to generate a clock at the output based upon received timing information transmitted in packets of the multiplexed packetized data stream before the select packets are stored in the storage device. Accordingly, Suzuki fails to disclose each and every feature recited by claim 21, as well as the additional features recited by claims 22-27 at least by

PATENT

virtue of their dependency from claim 21. Moreover, these claims recite additional novel features.

In view of the foregoing, it is respectfully submitted that the anticipation rejection of claims 21-27 is improper at this time. Reconsideration and withdrawal of this rejection therefore is respectfully requested.

Obviousness Rejection of Claims 1-10 and 11-17

At page 7 of the Office Action, claims 1-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki. At page 11 of the Office Action, claims 11-13, 15, and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki (U.S. Patent No. 6,148,135) in view of Morinaga (U.S. Patent No. 6,792,000). At page 13 of the Office Action, claims 14 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki in view of Morinaga and further in view of Barton (U.S. Patent No. 6,233,389). These rejections are respectfully traversed.

Independent claim 1 recites the features of storing a second portion of a packetized data stream representing video data and timing data of the program. The Office Action interprets the output of the video decoder 50 as the claimed second portion and the Office Action acknowledges that Suzuki fails to disclose the claimed feature of storing the second portion of the packetized data stream. *Office Action*, p. 8. The Office Action therefore takes Official Notice that "it would have been obvious to modify Suzuki by adding a storage means to Suzuki in order to store the decoded video and timing data output of the video decoder 50." *Id.*, pp. 8-9. It is respectfully submitted that the Office's interpretation of the claimed second portion feature is inconsistent with both the knowledge of one of ordinary skill in the art and with the teachings of the present application.

Claim 1 recites receiving a multiplexed packetized data stream, retrieving the video data of a first portion of the packetized data stream for video decoding, and as noted above, storing a second portion of the packetized data stream representing video data and timing data of the program. As taught by Suzuki, the output of the video decoder 50 is a video display signal 51, which as will be appreciated from the context of the teachings of Suzuki is a signal used to drive

PATENT

a video display. One of ordinary skill in the art therefore would appreciate that the video display signal 51 is not a second portion of a packetized data stream as recited by claim 21. Further, claim 1 provides that a first portion of the packetized data stream is retrieved for video decoding, so it is not understood how the output of the video decoder 50, i.e., decoded video, can serve as a second portion of the same packetized data stream that provides the data for decoding. Accordingly, it is respectfully submitted that Suzuki neither discloses nor suggests storing a second portion of a packetized data stream representing video data and timing data of a program as recited by claim 1. Moreover, the other cited references fail to disclose or suggest this claimed feature lacking in the teachings of Suzuki. Accordingly, the proposed combinations of the cited references fail to disclose or suggest each and every feature recited by claim 1, as well as the additional features recited by claims 2-17 at least by virtue of their dependency from claim 1. Moreover, these dependent claims recite additional novel features.

In view of the foregoing, it is respectfully submitted that the obviousness rejections are improper at this time. Reconsideration and withdrawal of these rejections therefore is respectfully requested.

Conclusion

The Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

PATENT

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-0441.

Respectfully submitted,

20 March 06
Date



Ryan S. Davidson, Reg. No. 51,596
LARSON NEWMAN ABEL POLANSKY &
WHITE, L.L.P.
5914 West Courtyard Dr., Suite 200
Austin, Texas 78730
(512) 439-7100 (phone)
(512) 327-5452 (fax)